

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWN MICHAEL THIBEAULT,

Defendants.

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Case No. CR-19-081-C

ORDER

Now before the Court is Defendants' Unopposed Motion for Extension of Time Within Which to File Pre-Trial Motions and Notices of Defenses and to Continue Trial (Doc. No. 16), in which Shawn Michael Thibeault requests that the jury trial set on the Court's May 2019 jury trial docket be continued to the August 2019 docket and that the deadline for pretrial motions be extended to August 1, 2019. Defendant also have filed written waiver of rights under the Speedy Trial Act, 18 U.S.C. § 3161. *See* Docs. No. 15. The United States does not oppose the Motion.

The Speedy Trial Act, 18 U.S.C. § 3161, provides that a person accused of a crime is generally entitled to a trial within 70 days of the filing of the charge or the accused's appearance on that charge. 18 U.S.C. § 3161(c)(1). When a requested continuance would cause a violation of the statutory time limit, a court may grant the continuance only if it finds that the period of delay is excludable under a specific provision of the Act. 18 U.S.C. § 3161(h). When, as here, a continuance is sought on the basis of the "ends of justice" under 18 U.S.C. § 3161(h)(7), the Court must decide whether the purpose served by granting the requested continuance outweighs the best interests of the public and the

defendants to a speedy trial.

Defendants argue that additional time is needed for review of discovery, receipt of requested records necessary to discernment of defenses, and preparation for trial. Based on the undisputed information presented by Defendant, the Court determines that the ends of justice served by granting a continuance of the existing deadlines to allow Defendant to thoroughly review discovery materials and to properly prepare for trial outweigh the best interests of the public and the Defendants to an earlier trial setting. The Court further determines that the period of delay caused by the granting of the motion is excludable for purposes of the Speedy Trial Act, under 18 U.S.C §3161(h)(7), on the basis that the failure to grant a continuance would deny counsel the time reasonably necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, Defendant's Motion to continue the jury trial and extend the pretrial motion deadline (Doc. No.16) is GRANTED. The jury trial currently scheduled for the May 2019 trial docket is continued to the August, 2019 trial docket, which is scheduled to begin on August 13, 2019. All pretrial motions shall be filed and served on or before July 15, 2019. The party opposing the motion shall file and serve a response within 9 days after the motion is filed. All other documents and materials shall be filed in accordance with the deadlines in the Federal Rules of Criminal Procedure and this Court's Local Criminal Rules.

IT IS SO ORDERED this 29th day of May 2019.


ROBIN J. CAUTHRON
United States District Judge